APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,048	01/23/2002	Steven C. Robertson		3434

23475	7590	11/27/2006

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EXAMINER
SALIARD, SHANNON S

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 August 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>17-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>17-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   Applicant has cancelled claims 1-16 and added claims 17-23. No claims have

been amended. Thus, claims 17-23 remain pending and are presented for examination.

Response to Arguments

2.   Applicant argues, "Applicant does not believe the reference [to Cash (US

2002/0134836)] is properly citable". However, Examiner disagrees. Cash et al filed a

proper provisional application No. 60/277,936 on March 23, 2001. Since Applicant's

filing date of January 23, 2002 is after March 23, 2001, Cash et al has been properly

cited against the instant application.

3.   Applicant's arguments with the respect to the rejections of claims 1-16 under 35

USC 102 (e) and 103 (a) have been considered but are moot in view of the new

ground(s) of rejection.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   **Claim 17** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

As per **claim 17**, the limitation "each service partner associated computer" as

recited is vague and indefinite. There is lack of antecedent basis for this limitation in the

claim.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains. ·
> Patentability shall not be negatived by the manner in which the invention was made.

7.   **Claims 17-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Quackenbush et al [US Patent 6,512,964] in view of Lanigan, Sr. [US 2003/0061085]

and Barni et al [US 6,920,429]

As per **claim 17**, Quackenbush et al discloses a system for providing pickup and

delivery of luggage over a distributed network, the system comprising: at least one

computer server connected to the distributed network [see Fig. 3], the server running a

luggage transport server application [col 3, lines 47-50, Examiner interprets an

application to be something that enables interaction between user and website]; a

plurality of user input/output devices operatively configured to access an online service

at a service partner site [Fig. 3, col 3, lines 39-45]; the luggage transport server

application operatively connected to data storage residing on computer readable media

[Fig. 3, col 3, lines 50-54], and the luggage transport server application configured to:

receive and store luggage travel segment data from a user [col 4, lines 13-52, prompts

user for location from which bags is to be picked up and delivered and database is updated]. Quackenbush et al does not explicitly disclose a plurality of service partners each having sites, each partner associated computer also running at least one luggage transport client application. However, Quackenbush et al discloses a service partner having a site, the site operatively associated with a computer connected to the distributed network, the service partner associated computer running at least one server application to provide online service to users over the distributed network [col 46-55]. Quackenbush et al does not further disclose programmatically match a luggage travel segment to a selected service partner; output selected luggage travel segment data to the selected service partner. However, Lanigan, Sr. discloses that information from the passenger is transmitted to the central office of the luggage carrier (output segment data to service partner), which comprises a system different from the airline passenger system, for example United Parcel Federal Express, or another organization [0023; 0024]. Moreover, Barni et al discloses a customer may input a shipping lane and that available carriers for that shipping lane are identified and displayed ([col 5, lines 43-52]; Examiner interprets luggage travel segment to be a shipping lane). Barni et al further discloses that the website may be mirrored at additional servers in the network [col 4, lines 1-6]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include the method disclosed by Lanigan, Sr. and Barni et al. Barni et al provides the motivation that it is highly desirable to provide an improved online business method wherein customers can obtain cargo rates from one or more freight forwarders without having to visit multiple

third party sites and manually comparing the information during such searching [col 1, lines 52-66].

As per **claim 18**, Quackenbush et al does not disclose wherein the luggage transport server application is further configured to: receive and store luggage travel segment data from the selected service partner; output luggage travel segment data to the user. However, Barni et al discloses that a carriers post published rates for transporting cargo and that a rate quote for a shipping lane is displayed to the user through the website [col 5, lines 15-30]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include wherein the luggage transport server application is further configured to: receive and store luggage travel segment data from the selected service partner; output luggage travel segment data to the user. Barni et al provides the motivation that providing this information to the customer allows them the opportunity to evaluate competitive prices in one consolidated location instead of having to navigate to individual company websites [col 5, lines 21-24].

As per **claim 19**, Quackenbush et al does not disclose wherein the luggage transport server application is further configured to: receive and store luggage travel segment bid data from the selected service partner; output luggage travel segment bid data to the user; receive and store luggage travel segment bid acceptance data from the user; output luggage travel segment bid acceptance data to the selected service partner. However, Barni et al discloses that after a carrier has entered appropriate bid information, the bid is posted wherein the bid is displayed to the user and the user can

accept the bid by highlighting the appropriate row in the table and then a conformation

is sent to both parties [col 7, lines 12-54]. Therefore, it would have been obvious to one

of ordinary skill in the art at the time of the invention to modify the invention of

Quackenbush et al to include wherein the luggage transport server application is further

configured to: receive and store luggage travel segment bid data from the selected

service partner; output luggage travel segment bid data to the user; receive and store

luggage travel segment bid acceptance data from the user; output luggage travel

segment bid acceptance data to the selected service partner so that the user can

receive the most competitive rates.

As per **claim 20**, Quackenbush et al discloses a system for providing pickup and

delivery of luggage across multiple service providers over a distributed network, the

system comprising: at least one computer server connected to the distributed network

[see Fig. 3], the server running a luggage transport server application [col 3, lines 47-50,

Examiner interprets an application to be something that enables interaction between

user and website]; a plurality of user input/output devices operatively configured to

access an online service at a service partner site [Fig. 3, col 3, lines 39-45]; the luggage

transport server application operatively connected to data storage residing on computer

readable media [Fig. 3, col 3, lines 50-54], and the luggage transport server application

configured to: receive and store luggage travel segment data from a user [col 4, lines

13-52, prompts user for location from which bags is to be picked up and delivered and

database is updated]. Quackenbush et al does not explicitly disclose a plurality of

service partners each having sites, each partner associated computer also running at

least one luggage transport client application. However, Quackenbush et al discloses a

service partner having a site, the site operatively associated with a computer connected

to the distributed network, the service partner associated computer running at least one

server application to provide online service to users over the distributed network [col 46-

55]. Quackenbush et al does not further disclose programmatically match a luggage

travel segment to a selected service partner; output selected luggage travel segment

data to the selected service partner; receive and store luggage travel segment data

from the selected service partner; and output luggage travel segment data to the user.

However, Lanigan, Sr. discloses that information from the passenger is transmitted to

the central office of the luggage carrier (output segment data to service partner), which

comprises a system different from the airline passenger system, for example United

Parcel Federal Express, or another organization [0023; 0024]. Moreover, Barni et al

discloses a customer may input a shipping lane and that available carriers for that

shipping lane are identified and displayed ([col 5, lines 43-52]; Examiner interprets

luggage travel segment to be a shipping lane). Barni et al further discloses that the

website may be mirrored at additional servers in the network [col 4, lines 1-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the invention of Quackenbush et al to include the method disclosed

by Lanigan, Sr. and Barni et al. Barni et al provides the motivation that it is highly

desirable to provide an improved online business method wherein customers can obtain

cargo rates from one or more freight forwarders without having to visit multiple third

party sites and manually comparing the information during such searching [col 1, lines

52-66]. Barni et al further discloses that a carriers post published rates for transporting cargo and that a rate quote for a shipping lane is displayed to the user through the website [col 5, lines 15-30]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include wherein the luggage transport server application is further configured to: receive and store luggage travel segment data from the selected service partner; output luggage travel segment data to the user. Barni et al provides the motivation that providing this information to the customer allows them the opportunity to evaluate competitive prices in one consolidated location instead of having to navigate to individual company websites [col 5, lines 21-24].

As per **claims 21-23**, Quackenbush et al does not further disclose wherein the luggage transport server application is further configured to: programmatically match a luggage travel segment to a plurality of selected service partners; output selected luggage travel segment data to the plurality of selected service partners; receive and store luggage travel segment bid data from each service partner; output luggage travel segment bid data to the user; receive and store luggage travel segment's bid acceptance data from the user; output luggage travel segment's bid acceptance data to the plurality of service partners. However, Barni et al discloses a customer may input a shipping lane and that available carriers for that shipping lane are identified and displayed ([col 5, lines 43-52]; Examiner interprets luggage travel segment to be a shipping lane). Barni et al further discloses that after a carrier has entered appropriate bid information, the bid is posted wherein the bid is displayed to the user and the user

can accept the bid by highlighting the appropriate row in the table and then a

conformation is sent to both parties [col 7, lines 12-54]. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to modify the

invention of Quackenbush et al to include wherein the luggage transport server

application is further configured to: receive and store luggage travel segment bid data

from the selected service partner; output luggage travel segment bid data to the user;

receive and store luggage travel segment bid acceptance data from the user; output

luggage travel segment bid acceptance data to the selected service partner so that the

user can receive the most competitive rates.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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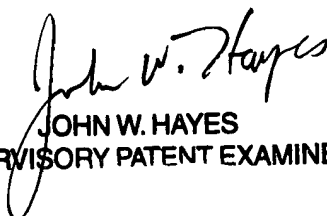as follows:

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JOHN W. HAYES   Shannon S Saliard
SUPERVISORY PATENT EXAMINER Examiner
                                 Art Unit 3628

sss